

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Modesto, California

February 13, 2014 at 2:30 p.m.

1. [11-94146-E-11](#) DOMINIC/MARIA DEPALMA
[13-9039](#)
MCGRANAHAN V. GINO FARMING,
LLC ET AL

STATUS CONFERENCE RE: COMPLAINT
11-25-13 [[1](#)]

Plaintiff's Atty: Steven J. Williamson
Defendant's Atty: unknown

Adv. Filed: 11/25/13
Answer: none

Nature of Action:
Recovery of money/property-preference

Notes:

SUMMARY OF COMPLAINT

The Complaint alleges that the Debtors, as Trustees of the DePalma Revocable Trust, owned real property commonly know as Garst/Root Road. On or about January 7, 2010, the Debtors transferred the Garst/Root Road Property to Gino Farming, LLC for \$300,000.00. Debtors received a note in the amount of \$300,000.00 from Gino Farming, LLC for the Garst/Root Road Property.

The Note was listed by the Debtors in their schedules as being due in 25 years. The Trustee has discovered that the Debtors were paid \$300,000.00 from Gino Farming, LLC on the Note, and the listing of it was inaccurate.

On or about September 24, 2013, Gino Farming, LLC sold the Garst/Root Road Property for \$1,410,580.00, with net proceeds received of \$670,864.98. Gino DePalma, the Debtor's son, has control of the \$670,864.98. Gino DePalma owns and controls Gino Farming, LLC, and it is alleged that the LLC is the alter-ego of Gino DePalma.

The Plaintiff-Trustee seeks to avoid the transfer of the Garst/Root Road of the property pursuant to the California Fraudulent Conveyance law. California Civil Code § 3439.04, 11 U.S.C. § 544. Additionally, the Plaintiff-Trustee seeks to avoid the transfer as fraudulent pursuant to 11 U.S.C. § 548. The Plaintiff-Trustee seeks to recover \$720,000.00 from Defendants for the fraudulent conveyance.

SUMMARY OF ANSWER

FINAL BANKRUPTCY COURT JUDGMENT

The Complaint alleges that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b)(2), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(H), (O). Complaint ¶¶ 5,6 Dckt. 1. No answer has been filed by either Gino Farming, LLC or Gino DePalma.

2. [13-90490-E-7](#) ISRAEL/SONIA RUIZ
[13-9019](#)
FERLMANN V. RUIZ

PRE-TRIAL CONFERENCE RE:
COMPLAINT TO RECOVER AVOIDABLE
TRANSFER
5-6-13 [[1](#)]

Plaintiff's Atty: Carl W. Collins
Defendant's Atty: Marilyn R. Thomassen

The court having granted the Motion for Summary Judgment and a Judgment in the process of being entered, **the Pre-Trial Conference is continued to 2:30 p.m. on March 27, 2014**, to be conducted as a post-judgment status conference, if necessary. No appearance at the February 13, 2014 Pre-Trial Conference is required.

Adv. Filed: 5/6/13
Answer: 6/4/13

Nature of Action:
Recovery of money/property - preference
Recovery of money/property - other

Notes:

Scheduling Order -
Initial disclosures by 7/31/13
Close of discovery 12/19/13
Dispositive motions heard by 1/31/14

Plaintiff's Motion for Summary Judgment filed 12/4/13 [Dckt 25]; Order granting filed 1/21/14 [Dckt 37]